

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JANE DOE, :
: Plaintiff, : 19-CV-8034 (ALC) (OTW)
: :
-against- : **ORDER**
: :
DAVID K. TOWNES, :
: Defendant. :
-----x

ONA T. WANG, United States Magistrate Judge:

On May 12, 2020, this Court issued two orders and one report and recommendation. (ECF 44 (“Opinion & Order re: 30 First Letter Motion to Continue proceedings anonymously”), 45 (“Report and Recommendation”), 48 (“Order”); *see also* ECF 52 n.9). One of these orders denied Plaintiff’s motion to proceed anonymously. (ECF 44). In that order, I directed “[e]ach party shall submit a **status letter by May 26, 2020.**” (*Id.* (emphasis in original)). I further directed that “Plaintiff is directed to email and mail a copy of this Order on the *pro se* Defendant and file proof of service on the docket within seven days of this Order.” (*Id.* (emphasis removed)). I included similar orders directing email and mail service by Plaintiff on Defendant in ECF 45 and 48. I ordered service by email because there were previous failed mailings to the 250 Park Avenue address.

On May 18, 2020, Plaintiff filed an affidavit of service specifying that two documents “Opinion & Order, Order” were served by mail only to the 250 Park Avenue address. It is unclear if ECF 45, the Report and Recommendation, was ever served. And, there is no mention

of service by email. Plaintiff did not serve the Defendant in the manner directed by the Court, and thus it is unclear whether Defendant ever received notice of any of the Court's orders.

Neither party complied with the directive to submit a status letter by May 26, 2020.

Accordingly, Plaintiff is directed to file a status letter no later than **5 pm on July 24, 2020**, and parties are directed to appear for a telephonic status conference on **July 30, 2020 at 11 am**. Plaintiff's counsel, with Defendant on the line, shall call (866) 390-1828, access code 1582687. Parties should be prepared to discuss their plan to proceed with the action.

Failure to appear may result in sanctions under Rule 16 and/or the Court's inherent authority. Such sanctions may be monetary or may take the form of a recommendation to the District Judge.

Defendant is strongly encouraged to sign up for electronic case notifications. See attached. If Defendant consents, he should send the completed form to Temporary_Pro_Se_Filing@nysd.uscourts.gov. **It is Defendant's responsibility to ensure that his contact information is up to date.**

Plaintiff's counsel is directed to email to Defendant a copy of all filings and orders since April 14, 2020. Plaintiff is also directed to email and mail a copy of this Order on Defendant and file proof of service by **July 24, 2020**.

SO ORDERED.

Dated: July 22, 2020
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOTICE

COLLEEN McMAHON
Chief Judge

RUBY J. KRAJICK
Clerk of Court

Dated:
April 1, 2020

Contact:
Pro Se Intake (212) 805-0175

SDNY Announces

Temporary Acceptance of Pro Se Filings by Email

In response to the coronavirus/COVID-19 pandemic, the President of the United States has declared a national emergency and the Governor of New York has banned mass gatherings and ordered other restrictive measures throughout the state.

In order to protect the health of the public and staff while continuing court operations, effective April 1, 2020, and until further order of the Court, the United States District Court for the Southern District of New York has announced the temporary acceptance of filings via email from pro se parties without electronic filing privileges.

Pro se parties who do not have electronic filing privileges, or who are unable to send documents by email, may continue to submit documents by regular mail or through the depository box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY, or the U.S. Courthouse at 300 Quarropas Street, White Plains, NY.

These changes are detailed in a Standing order of the Court and an Addendum to the court's [ECF Rules & Instructions](#) (attached).

Questions may be directed to the Pro Se Intake unit at (212) 805-0175.

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THE HON. CHARLES L. BRIEANT JR.
FEDERAL BUILDING AND COURTHOUSE
300 QUARROPAS STREET
WHITE PLAINS, NY 10601-4150

THE DANIEL PATRICK MOYNIHAN
UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 820
NEW YORK, NY 10007-1312
(212) 805-0500

THE THURGOOD MARSHALL
UNITED STATES COURTHOUSE
40 FOLEY SQUARE
NEW YORK, NY 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

20mc179
Judge Colleen McMahon

IN RE: CORONAVIRUS/COVID-19 PANDEMIC

M10-468

THIS MATTER RELATES TO:

Temporary Provision for Pro Se Litigants
to File by Email

STANDING ORDER

WHEREAS in response to the coronavirus/COVID-19 pandemic, the President of the United States has declared a national emergency and the Governor of New York has banned mass gatherings and ordered other restrictive measures throughout the state, and in order to protect the health of the public and staff while continuing court operations, it is hereby

ORDERED effective April 2, 2020, and until further order of the Court, the court will accept filings via email from self-represented, or “pro se,” litigants without electronic filing privileges. Filings by pro se litigants submitted by email must be sent to Temporary_Pro_Se_Filing@nysd.uscourts.gov, and done in accordance with the procedures found in the April 2, 2020, Addendum to the court’s [ECF Rules & Instructions](#) (attached).

Pro se parties with an email address are strongly encouraged to consent to receiving electronic service of case activity through notifications sent by email from the court’s Electronic Case Filing (ECF) system by submitting the [Consent to Electronic Service form](#) (attached).

Pro se parties who do not have electronic filing privileges or who are unable to send documents by email may continue to submit documents by regular mail or through the drop box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY, or the U.S. Courthouse at 300 Quarropas Street, White Plains, NY.

SO ORDERED.

Dated: April 1, 2020
New York, NY



COLLEEN McMAHON
Chief United States District Judge

Addendum to Electronic Case Filing Rules & Instructions

April 1, 2020

Temporary Acceptance of Pro Se Filings by Email

Background

In response to the coronavirus/COVID-19 pandemic, the President of the United States has declared a national emergency and the Governor of New York has banned mass gatherings and ordered other restrictive measures throughout the state.

In order to protect the health of the public and staff while continuing court operations, effective April 1, 2020, and until further order of the Court, the United States District Court for the Southern District of New York has announced the temporary acceptance of filings via email from pro se parties without electronic filing privileges (see details below).

Pro se parties who do not have electronic filing privileges or who are unable to send documents by email may continue to submit documents by regular mail or through the depository box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY, or the U.S. Courthouse at 300 Quarropas Street, White Plains, NY.

Questions may be directed to the Pro Se intake Unit at (212) 805-0175.

Addendum to Electronic Case Filing Rules & Instructions
Temporary Acceptance of Pro Se Filings by Email – Page 2

ECF Rules - Section 1. Scope of Electronic Filing

1.1 (IMPORTANT NOTE - due to the coronavirus/COVID-19 pandemic, in addition to accepting pro se filings in paper form, the court has announced the temporary acceptance of filings via email from pro se parties without electronic filing privileges. See the April 1, 2020, Addendum to these Rules for further instructions.)

Except as expressly provided and in exceptional circumstances preventing a party from filing electronically, all documents required to be filed with the Court must be filed electronically. Any party unable to comply with this requirement must seek permission of the Court to file in the traditional manner, on paper. Any such application made after regular business hours may be submitted through the night depository box maintained pursuant to [Local Civil Rule 1.2](#).

Unless otherwise ordered by the Court, documents filed by *pro se* litigants must be filed in the traditional manner, on paper, and will be scanned and docketed by the Clerk's Office into the ECF system.

Instructions

Procedures for Emailing Pro Se Documents for Filing

- Documents submitted electronically must be in PDF format, no larger than 10 megabytes;
- Documents to be filed may be emailed to Temporary_Pro_Se_Filing@nysd.uscourts.gov;
- Documents to be filed must be attached to the email;
- Documents must be signed by the filing party by either
 - (a) signing by hand and then scanning the document;
 - (b) signing electronically using a digital signature; or
 - (c) by typing: "s/Filer's Name;"
- The email and attached documents must contain the filer's name, address, and telephone number;
- For new cases, the subject line of the email must read "PRO SE FILING – NEW CASE;"
- For existing cases, the subject line of the email must read "PRO SE FILING – [case number];"
- A document submitted for filing by email does not have to be delivered to the court in hard copy form.

Limitations

- Pro Se filings emailed to any email address other than Temporary_Pro_Se_Filing@nysd.uscourts.gov will be disregarded;
- This email address is solely for submitting attached PDF documents for filing;
- Any additional comments, questions, or other messages in the email will be disregarded;
- Any additional correspondence included in the email will be disregarded.

Addendum to Electronic Case Filing Rules & Instructions
Temporary Acceptance of Pro Se Filings by Email – Page 3

Payment for New Cases

- For new cases for which the filing fee is to be paid, payment must be sent separately by mail, within 21 days of filing, addressed to:

Cashiers-Room 120, 500 Pearl Street, New York, NY 10007

- Personal checks will not be accepted. Payment must be by money order or certified check, must include the case number and must be made payable to:

Clerk, USDC, SDNY

- A pro se party seeking to waive the filing fee for a new case must include an [Application to Proceed Without Prepaying Fees or Costs \(IFP Application\) form](#);
- 14 days after the mailing or emailing of any newly filed case, pro se filers should call the Pro Se Intake Unit at 212-805-0175, to learn the case number and the name of the assigned judge.

Sign-Up for Email Notifications

Pro Se parties without electronic filing privileges but with an email address are strongly encouraged to consent to receive electronic service of filings through notifications sent by email from the court's Electronic Case Filing (ECF) system. Electronic service is faster than service by mail and is the same system used by attorneys.

Pro se litigants who wish to consent to receive electronic service must fill out the [Consent to Electronic Service \(for pro se cases\) form](#). You may disregard the instruction at the bottom of the form to return the form by mail and instead return the signed consent form by email, in PDF format, to:

Temporary_Pro_Se_Filing@nysd.uscourts.gov

Pro se litigants who consent to receive electronic service of filings will no longer receive the same documents in paper form by mail.

If you consent to receiving electronic service, you will receive a Notice of Electronic Filing (NEF) by e-mail each time a document is filed in your case. After receiving the NEF, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time the hyperlink is accessed after the first "free look", or the first 15 days, you may be charged to view the document. For this reason, you should print or save the document during the "free look" to avoid future charges.

Questions may be directed to the Pro Se intake Unit at (212) 805-0175.



**United States District Court
Southern District of New York
*Pro Se Office***

Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.²

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.



**United States District Court
Southern District of New York**

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address City State Zip Code

Telephone Number _____ E-mail Address _____

Date _____ Signature _____

Return completed form to:

Pro Se Office (Room 200)
500 Pearl Street
New York, NY 10007